

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

CHRISTOPHER WITHERS,

Plaintiff,

v.

SAM GREEN, et al.

Defendants.

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Case No. 6:20cv65

DECLARATION OF SAM GREEN

Commonwealth of Virginia, County of Campbell to wit:

1. My name is Sam Green.
2. I am over the age of eighteen (18) and competent to declare the matters contained herein.
3. I base the information contained in this Declaration on my personal knowledge.
4. I am an employee of the Campbell County Sheriff's Office and held the rank of Lieutenant in September 2018.
5. On September 29, 2018, I was on patrol and received a call to respond to an incident involving a vehicle that had collided into a house on Chinook Drive in Lynchburg, Virginia.
6. When I received the call, I was travelling on U.S. 460 East near the Airport Road exit.
7. I activated my emergency lights and siren at that time and began proceeding to the scene of the accident.
8. I exited U.S. 460 East via the Candler's Mountain Road exit.

9. I turned left on Candler's Mountain Road and then proceeded to turn left onto Camp Hydaway Road. When I turned on Camp Hydaway Road, my emergency lights were activated but my siren was not.

10. Shortly after turning on Camp Hydaway Road, I encountered a Toyota four-door sedan that I later learned to be driven by the plaintiff, Christopher Withers.

11. I was not familiar with Mr. Withers prior to this encounter.

12. As I drew closer to Mr. Withers' vehicle, I reactivated my emergency siren.

13. Mr. Withers did not slow his vehicle or attempt to pull over at any time.

14. After traveling about a mile to a mile and a half, Captain Dwayne Wade advised me that I could cut back my response to the vehicle crash as a State Police officer had arrived at the scene with Captain Wade.

15. At that time, I decided to transition to executing a stop of Withers' vehicle for failure to yield to an emergency vehicle.

16. Withers drove for approximately 3 miles without attempting to pull over or slow down despite my emergency lights and siren being activated.

17. As we approached the intersection of Chinook Drive and Camp Hydaway Road and Old Rustburg Road, Withers activated his right turn signal.

18. As we approached the intersection, another emergency vehicle was at the intersection with its emergency lights activated

19. Before Withers could turn right on to Old Rustburg Road, Captain Wade and the Virginia State Police officer attempted to stop Withers by signaling with their flashlights and yelling for him to stop.

20. Withers did not attempt to stop.

21. Withers turned right on to Old Rustburg Road and again failed to pull over.

22. As we continued down Old Rustburg Road, I could see another emergency vehicle approaching us with its emergency lights activated.

23. At this time, I also noticed Withers' hand out of the driver's side window and appeared to be dropping or throwing something out of the vehicle.

24. As we continued down Old Rustburg, I could see that the oncoming emergency vehicle was a firetruck, and the truck had stopped as we got closer.

25. Withers finally came to a stop just before where Lone Jack Road meets Old Rustburg Road because he could not get past the firetruck.

26. At this point, I was concerned about the situation because Withers had already failed to stop or yield to my vehicle, and I could see him moving in the car but could not see his right arm, which put me at high alert because I did not know what he may be trying to do with that hand which made me concerned about my safety and the safety of the fire crew.

27. Once Withers' car came to a stop, I exited my vehicle and approached the car yelling for the driver to show me his hands.

28. As I approached the vehicle, I could not see Withers' right hand, and it appeared that he was reaching for something toward the back of the console or back floorboard area.

29. I had opened the driver's door and was able to reach in and grab Withers, pull him towards the doorway, and grab his arm.

30. Captain Wade had arrived, and we both were telling Withers to get out of the car and go to the ground.

31. As I had control of Withers' arm, he was still pulling back toward the interior of the car.

32. At that point, I used an "elbow to the sky" control hold to get Withers moving in an upward and outward direction.

33. As Withers came out of the vehicle, Captain Wade attempted an arm bar takedown using Withers' other arm, but Withers' momentum kept us going toward the side of the road.

34. As we continued toward the side of the road, Captain Wade was able to successfully take down Withers using an arm bar takedown into a rough-cut grassy area.

35. Once on the ground, Withers continued to be noncompliant and pulled his knees upward toward his stomach and tried to pull away and roll away from both Captain Wade and me.

36. Using "key lock" control holds on both of Withers' arms, Captain Wade and I were able to gain control of Withers and place him in handcuffs.

37. I accomplished the "key lock" hold through the following movements: as we went to the ground, I had points of contact on Withers' elbow and wrist; on the ground, Withers began try to pull his arms underneath him, and retained my points of contact with his motions; I then shifted my right hand to secure Withers' hand and used my left hand to put inward pressure on the back of Withers' elbow while bending his wrist inward; once I had control of Withers' arm, I slid his elbow back into my armpit area and squeezed the arm to control it and then grabbed Withers' hand just below the knuckle line and bent it back toward my body in order to achieve compliance.

38. At no time during this interaction did I punch or kick Withers.

39. At no time during this interaction did I strike Withers with my elbow or my knee.

40. After we brought Withers to his feet, I noticed he had blood on his face.

41. EMTs were on the scene, and I asked them to check on Mr. Withers.

42. Between the time I encountered Mr. Withers on Camp Hydaway Road and the time he stopped on Old Rustburg Road, there were over 30 locations where Withers could have safely pulled over to allow me to pass his vehicle.

43. Attached to the Declaration as **Attachment A** is a true and correct copy of the dashcam video from my vehicle from the night of September 29, 2018.

44. Attached to this Declaration as **Attachment B** is a true and correct copy of the audio of the radio traffic with dispatch from the night of September 29, 2018.

45. Attached to this Declaration as **Attachment C** is a screenshot from Google Maps showing the approximate area where Withers finally came to a stop on Old Rustburg Road.

46. I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Date: 11/4/21

CAPTAIN SAM GREEN

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CAPTAIN SAM GREEN

ATTACHMENT A

(PROVIDED TO COURT ON USB DRIVE)

PRODUCED NATIVELY
FILE: Withers,Chris.mp4

ATTACHMENT B

(PROVIDED TO COURT ON USB DRIVE)

PRODUCED NATIVELY
FILE: 2018-053850.wav

ATTACHMENT C

